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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention

Second periodic reports of States parties due in 2016

Rwanda*, **

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** The Committee considered the initial report of Rwanda (CAT/C/RWA/1) at its 1070th and 1073rd meetings (see CAT/C/SR.1070 and 1073), held on 15 and 16 May 2012, and adopted its concluding observations on that report at its 1090th and 1091st meetings, held on 31 May 2012.

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A. Introduction

1. The Government of Rwanda continues to ensure that all Rwandans enjoy the fundamental human rights secured by the Constitution and other national and applicable international human rights laws. The commitment to realise those fundamental rights is stated in the Country's Vision 2020 and Economic Development Poverty Reduction Strategy 2 (EDPRS II) which form the baseline for every government policy and program. As Rwanda moves into the home stretch of realising the objectives of the goals set out therein, the Government welcomes the opportunity provided by this second periodic report on the implementation of the Convention against Torture to report on that progress.

2. This report demonstrates the progress made in the implementation of the recommendations contained in the concluding observations to Rwanda's initial report submitted in 2010 and reviewed in 2012. Much reform and transformation has happened in the last five years in the legal and policy framework for the promotion and protection of human rights in general and the prevention and punishment of torture in particular. While pleased to report on that progressive, the Government continues to recognise that there is always more to be done. Improvements in the law and practice relating to access to justice; freedom of expression and association; promoting gender equality; progress in the implementation of Vision 2020, EDPRS 2 and the Millennium Development Goals, among others, led to significant transformation of the human rights situation in Rwanda over the last 5 years.

3. Rwanda is particularly proud of her record with regard to the accomplishment of the millennium development goals and looks forward to applying the same effort to the realisation of the sustainable development goals.

Methodology and general consultative process

4. The preparation of this report was coordinated by the cross-institutional national treaty body reporting taskforce responsible for the preparation of reports on the implementation of human rights Conventions such as the Convention against Torture. The taskforce is headed by the Ministry of Justice and is composed of representatives from all branches of the government as well as civil society organizations.

5. In particular during the preparation of this report, meetings and other interactions of the task force were attended by representatives from the Ministry of Justice, Office of the Prime Minister, Ministry of Foreign Affairs and Cooperation, Ministry of Education, Ministry of Defense, Rwanda Parliament, Rwanda National Police, Rwanda Correctional Services, National Public Prosecution Authority, National Commission for Human Rights, Rwanda Law Reform Commission, Rwanda Governance Board, Legal Aid Forum, Collectif des Ligues des Droit de l'Homme (CLADHO) and HAGURUKA (umbrella for women and child rights advocacy).

6. The preparation of this report thus followed a participatory approach through wide stakeholder consultation, involving workshops, interviews with representatives of public institutions responsible for implementation of the Convention and civil society organizations working for the promotion and protection of human rights in Rwanda. In accordance with CAT guidelines for states parties reports, the purpose of this periodic report is not to repeat the detailed information already provided in the initial report and in the Common Core Document submitted in 2014 but to present changes in domestic laws, policies, programmes and practices that have occurred since the initial report, written responses to the list of issues and to the recommendations raised by Committee against Torture and update the previously submitted data.

B. General legal framework under which torture and other cruel, inhuman or degrading treatment or punishment is prohibited

7. The broad and comprehensive legal framework in Rwanda to implement the Convention against Torture described in the initial report presented in 2012, remains firmly in place and has indeed changed for the better. This second Periodic Report updates our initial report on major developments, including new laws, judicial decisions, policies, and programs that expand protections in various areas and provide remedies for violations of protected rights where they may occur.

8. The Republic of Rwanda reaffirms the adherence to the Principles of Human Rights enshrined in the Universal Declaration of Human Rights of 1948 and other international and regional conventions to which Rwanda is a Party. Rwanda is indeed a party to the Convention against Torture as well as 8 other core UN Human rights Conventions. Rwanda also remains a party to the African Charter on Human and People's Rights, the African Charter on the Rights and Welfare of the Child and the African Charter on Democracy, Elections and Governance. The Government of Rwanda also ratified the optional Protocol to the Convention against Torture on 30th June 2015 with the law No. 17/2013 of 25/03/2013 authorizing the ratification of the optional protocol to the convention against torture. The process to establish a national preventive mechanism is ongoing.

9. In Rwanda, the Constitution is the fundamental legal text that provides a foundation for the entire legal framework. In its preamble, the Constitution of the Republic of Rwanda of 2003 revised in 2015 provides that the Rwandan Government is committed to building a State governed by the rule of law, based on the respect for human rights, freedom and on the principle of equality of all Rwandans before the law as well as equality between men and women. It also provides that a human being is sacred and inviolable. The State and all public administration organs have the absolute obligation to respect protect and defend all people. Every person has the right to physical and mental integrity. No person shall be subjected to torture, physical abuse or cruel, inhuman or degrading treatment. In keeping with the importance attributed to human rights, Articles 12 to 43 of the Constitution as revised in 2015 provide the basis for the protection and promotion of human rights in Rwanda. In particular, Article 42 provides that the State has the responsibility to promote the human rights of Rwandans. Article 43 also gives the judiciary the responsibility to be the guardian of human rights and freedoms and thus hold the State accountable.

10. With specific regard to the obligation to prevent and punish torture, the Constitution specifically provides for the rights to life and the inviolable nature of a human being, the right to physical and mental integrity, the right to equality before the law, protection from discrimination, the right to marry and found a family, the protection of children, persons with disabilities and other vulnerable people among others.

11. These Constitutional aspirations are reflected in Rwanda's ratification and continuing adherence to key international and regional instruments for the protection and promotion of human rights in Rwanda. For Rwanda, the ratification of a Treaty is not just a formality but rather a serious undertaking reflective of the commitment of the Government to see those obligations honoured.

12. The commitments at the International and Regional Level are further entrenched in the Rwandan system by various domesticating national laws. Since 2012 when Rwanda last appeared before the Committee against Torture, there has been much reform in the domestic legal system to continuously ensure the protection and promotion of human rights. Significant modifications to fundamental texts such as the Civil Code which is under discussion in Parliament for its amendment and the Penal Code which was revised to keep Rwanda in step with internationally agreed upon standards for human rights. In addition,

new laws have been developed relating to media (2013), access to information (2013), registration of political parties and civil society organizations as well as a new family code which goes a long way in ensuring equality between men and women in family matters. The 2013 law relating to the rights of the child also ensures the protection of children even from excessive punishment that may amount to ill treatment.

13. Under the Constitution, Rwanda remains a monist state. According to Article 95 International Treaties ratified by Rwanda are only superseded by the Constitution and Organic Laws. The intention is that Organic laws will only be laws designated as such and empowered by the Constitution to regulate other key matters in the place of the Constitution. They will be used for the primary purpose of Constitutional amendments and will therefore have the weight of the Constitution. International Treaties remain higher than all other domestic laws as was the case in the 2003 Constitution.

14. The current Penal Code includes the punishment of torture in its Articles 176 and 177 and defines torture as any act by which severe pain or suffering, whether physical or mental, inhuman, cruel or degrading, are intentionally inflicted on a person for such purposes as obtaining from him/her or a third person, especially information or a confession, punishing him/her of an act he/she or a third person committed or is suspected of having committed, or intimidating him/her or coercing him/her or a third person or for any other reason based on discrimination of any kind. Any person, who inflicts torture on another person, shall be liable to a term of imprisonment of six (6) months to two (2) years. If torture results in either incurable illness, permanent incapacity to work, full loss of function of an organ or serious mutilation, the penalty shall be a term of imprisonment of more than five (5) years to seven (7) years. If such torture results in the death of the victim, the punishment shall be life imprisonment with special provisions. If the offences under Paragraphs one and 2 of this Article are committed by a Judicial Police Officer or a Prosecutor or any other security service officer or civil servant, the offender shall be liable to the provided maximum penalty.

Other legal texts

15. The Code of Criminal Procedure establishes the procedure to be followed throughout the course of criminal proceedings and prohibits the use of torture to obtain evidence or confessions of the alleged perpetrators of a crime, whatever it is. This code offers sufficient guarantees for the rights of persons arrested or detained, including a medical examination, access to a lawyer and contact with any person of his or her choice, including members of his or her family. This code lays down rules on the length of police custody. These rules are mandatory and strictly applied.

16. Additionally, Article 6 of the law on evidence and its production provides that it is "forbidden to tie, beat torture, brainwash or resort to any cruel or degrading methods to extort a confession from a party or testimony from witnesses." These forms of evidence are prohibited under the law and have no legal effect before a judge. Article 20 of the law on the rights and protection against violence of children also envisages that a child should not be subjected to torture or to cruel, inhuman or degrading treatment. This law provides broad protection of children from any form of ill treatment including excessive punishment. Article 27 of the law on the prevention and punishment of violence against women prohibits sexual torture and establishes a penalty of life imprisonment with special provisions. The Labour Code prohibits any form of violence or harassment that directly or indirectly has an effect on the workplace. The resignation of the victim of such violence or harassment is seen as unfair dismissal. In these cases, the victim is entitled to damages.

17. Article 28 of the Presidential Order No.°30/01of 09/07/2012 on specific statute for police personnel stipulates that any police officer, regardless of rank or function, must perform consciously the mission which is assigned to him or her and show politeness and

dignity in his or her relations with his or her superiors, colleagues, subordinates and the public. He or she must also communicate with the public, serve as a good example for the population regarding security and respect for human rights, avoid any conduct that would undermine the dignity of the service and public confidence with respect to the latter and have knowledge of regulations and guidelines. He or she has the duty to be impartial and refrain from any discrimination based on social status, ethnicity, political opinion, religion or any other personal interest.

18. Article 8 of the Instructions of the Minister of Internal Security relating to the conditions of detention, the provision of food and detainee visits (No. 09/08, of 16/06/2008) provides that no prisoner should be subjected to torture or other abuse or cruel, inhuman and degrading treatment.

19. Aside from the mentioned key legal texts relating to the prevention and punishment of torture, several other legal reforms have enabling a continuing atmosphere of respect for fundamental freedoms in Rwanda. For example, in an effort to develop freedom of expression, Law No. 02/2013 of 08/02/2013 regulating media was promulgated. One major change in this law is the introduction of media self-regulation. Law No. 04/2013 of 08/02/2013 relating to access to information was also promulgated.

20. The core principle of the access to information law is stipulated in article 3 there of which provides that every person has the right of access to information in possession of a public organ and some private bodies. The goal of media reform is in line with Rwanda's Constitutional commitment to freedom of expression; the country's development objectives as outlined in Vision 2020 and the Government's seven year program to enhance the democratic, economic and social development of Rwanda in the interests of peace and in the service of all her people within a framework of peace, stability and national security.

21. Freedom of association is another important right enjoyed by every individual living in Rwanda. The 2013 Organic Laws granting the freedom of association to NGOs aim at simplifying the registration process and allowing both national and international NGOs to thrive in Rwanda. With due respect to the law and other administrative requirements, Rwandans have the right to freely form political parties and various other types of associations. According to the Organic Law relating to Political Parties (2013), all political organizations officially recognized are treated equally and exercise their activities. There is a National Consultative Forum of Political Organizations composed of 11 political organizations recognized in Rwanda which subscribed freely to it in accordance with the rules of procedure of the Forum. All of these laws ensure that an environment of respect for fundamental human rights prevails in every sector of governance and public service.

Institutional framework for the protection of human rights

22. The legal provisions for human rights protection have been implemented first through the establishment of specific institutions to facilitate the process. In 2010, most of the key human rights institutions existing today had not been created. Others still have since been significantly overhauled. For the protection of human rights, numerous mechanisms have been put in place, including the National Commission for Human Rights, the Office of the Ombudsman, the National Commission for Unity and Reconciliation, National Commission for Children, the Gender Monitoring Office, the National Council for Persons with Disabilities to mention but a few.

23. All these institutions have a legal obligation to protect citizens from acts of torture and ill treatment. To these institutions, we add the Courts and Tribunals, Parliament (Chamber of Deputies and Senate, which have internal committees in charge of investigating human rights abuses), the National Police, the National Public Prosecution

Authority and Ministry of Gender and Family Promotion, which is responsible for implementing national policies to protect women, children and other vulnerable persons.

National Commission for Human Rights (NCHR)

24. The National Commission for Human Rights was created in 1999. It is a constitutional body provided for under Article 177 of the Rwandan Constitution. The NCHR is an independent institution responsible for the promotion and protection of human rights in Rwanda. The Law N°19/2013 of 25/03/2013 determines missions, organisation and functioning of the National Commission for Human Rights which re-affirms the independence and autonomy of the NCHR in performing its functions. That law requires the NCHR to present reports of its activities only to the Parliament for consideration. Article 7(2) of the mentioned law gives the Commission the power to investigate in any detention facility where human violations are alleged or reported.

25. A key mandate of the NCHR is education and sensitization of the population on human rights. Since 2012, the Commission facilitated national education campaigns on human rights. For example from 2011 to 2014, 220 members of the National Women's Council at the District and Provincial levels received human rights training. Additional trainings were carried out for 830 Executive Secretaries of Districts, Sectors and Cells. Awareness raising was done for: 390 primary school teachers, 206 student members of human rights clubs in schools, 324 faith-based leaders, 59 Leaders of Associations of People Living with Disabilities; 49 leaders of associations for people living with HIV, and for 33 local artistes they were trained in 2015 for the very first time. In total, the NCHR provided human rights education to 3,862 community leaders from 2011 to 2015 and continues to provide regular trainings on human rights as well as receive and respond to complaints regarding human rights abuses.

The Office of the Ombudsman

26. The Office of the Ombudsman was established by the Constitution of 2003. In 2013, additional powers were granted to the Office which included expanded authority to investigate human reported rights violations. The Office of the Ombudsman has the mandate to act as a link between the citizen, public, and private institutions and to investigate complaints of injustice, corruption and related offences in public and private entities. The Office of the Ombudsman also receives complaints from individuals and associations regarding the behavior of civil servants. It is empowered to report on unlawful acts, investigate and initiate prosecutions against those individuals. The most recent records from the Office of the Ombudsman (2013-2014) indicate that the Office received 4,492 cases in that year. The Office resolved over 80 percent of those cases directly and the remaining 20 percent were referred to other relevant institutions for further action.

27. In 2015, the Office of the Ombudsman received a total of 7,404 claimants either bringing new cases or following up on the previous cases. The Office received also 808 written cases among which 439 were resolved, 169 were sent to concerned institutions and 200 are still being processed. The Government institutions concerned must act on the recommendations made by the Office of the Ombudsman.

National Commission for Children (NCC)

28. Within the framework of respecting and giving a voice to Children's rights, the Government of Rwanda adopted Law No. 22/2011 of 28/6/2011 establishing the National Commission for Children (NCC). The NCC is an independent organ under the Ministry of Gender and Family Promotion (MIGEPROF) and its responsibility is to monitor, promote and protect the rights of children in Rwanda. The NCC has a special mandate to ensure the

realization of the rights and freedoms of Rwanda's children, particularly those that are vulnerable in society.

29. The NCC currently supports 23,604 (11,001 Females and 12,603 males) Orphans and Vulnerable Children (OVC) in secondary school, 3,009 (1,133 Females and 1,876 males) in Technical and Vocational Education Training (TVET) through the provision of school fees and health insurance. Through this program, 19,779 students had graduated by December 2013. By the end of April 2014, an additional 10,112 OVC had completed both secondary school and TVET. NCC organizes an Annual Children's Summit that serves as a national consultative forum that brings together child delegates from all the administrative sectors across the country. The Children's Summit provides children a special opportunity to express their views and wishes about building the nation.

30. Thus children are given an opportunity to have their perspective included in what is planned for them with regard to the country's policies and programs for children, child rights, the country's economic and social development, as well as the challenges they face. In 2014, the Annual National Children's Summit coincided with the 25th anniversary of the UN Convention on the Rights of the Child. In that summit, 507 children from across Rwanda and 17 other children from other East Africa nations convened to discuss on child rights and protection.

The Gender Monitoring Office (GMO)

31. The Government of Rwanda established a Gender Monitoring Office, whose mandate is to monitor gender mainstreaming in all public, private, civil society and faith-based institutions and organizations, as determined by the law No. 51/2007 of 20/09/2007. The positive rate of gender mainstreaming across the Country can be directly related to the work of this institution that is dedicated to ensuring that the laws and policies are effectively implemented. In addition, the GMO also has the responsibility to participate in the development of policies and response to cases of gender based violence. Since 2011, the GMO has received 259 cases of Gender Based Violence. All these cases have been addressed by concerned institutions.

32. In 2015, the Gender monitoring office provided legal and psychosocial counseling services to victims of Gender Based Violence. Various GBV cases were submitted either in person or through the newly established helpline at GMO. The cases submitted in person and those received through the helpline were 24 and 43 respectively of which 6 males and 61 females. Most of cases received were for women and the trends also shows economic violence to be high with 38 cases and, sexual violence with 15 cases and14 case for physical and psychological violence. With the support of this helpline, victims of violence and other forms of injustices easily have access to the required services depending on the nature of individual cases. This mechanism of using helpline to receive and orient GBV cases is more efficient and effective as it is cost free and time effective.

The National Council for Persons with Disabilities (NCPD)

33. Article 14 of the Rwandan Constitution sets out the responsibility of the Government to ensure the inclusion of persons with disabilities in all national development programs. In particular, persons with disabilities have the right to have one representative in the Parliament's Chamber of Deputies (Art. 76.4) from the National Council for Persons with Disabilities.

34. The NCPD was established by law No. 03/2011 of 10/02/2011 with the purpose to coordinate activities aimed at the advancement of persons with disabilities, to gather and examine views of all persons with disabilities, to advocate on the issues affecting them, to

increase their capacity to be independent and collaborate with nongovernmental organizations working in the sector of persons with disabilities.

Rwanda Governance Board (RGB)

35. The Rwanda Governance Board (RGB) is a public institution established by law No 41/2011 of 30/09/2011. It was formed from the merging of Rwanda Governance Advisory Council (RGAC) and the National Decentralization Implementation Secretariat (NDIS). RGB's core mission is to promote the principles of good governance and decentralization, conduct research and policy analysis related to governance, monitor the practices of good governance, coordinate and support media sector development and enhance citizen participation among others.

36. In the fulfilment of its mandate, RGB conducts regular research on the impact and perception of Government services among the public. One of their most successful innovations is the Rwanda Governance Scorecard, a comprehensive governance assessment tool. In the most recent Rwanda Governance Score Card of 2014, access to justice was one of the highest performing Government services at 80.2 percent. In addition, RGB conducts other surveys such as the Citizen Report Card (an annual perception survey that scores Government performance from the perspective of beneficiaries), Rwanda Media Barometer, Rwanda Civil Society Development Barometer and Rwanda Governance Review. In order to increase citizens' participation, RGB introduced home-grown initiatives such as the Governance month which mainly aims at solving citizens' complaints, fostering accountable governance and transparency.

Part I: Information in relation to each substantive article of the Convention (Articles 1-16)

Articles 1 and 16 – Prohibition of torture and other forms of cruel, inhuman or degrading treatment

Definition of torture

37. The Rwandan Penal Code of 2012 adopted the definition of torture as it is in the Convention. Article 176 defines torture as any act by which severe pain or suffering, whether physical or mental, inhuman, cruel or degrading, are intentionally inflicted on a person for such purposes as obtaining from him/her or a third person, especially information or a confession, punishing him/her of an act he/she or a third person committed or is suspected of having committed, or intimidating him/her or coercing him/her or a third person or for any other reason based on discrimination of any kind.[1] In addition, the penal code in its definition goes a step further to include actions by non-state actors such as private security operators as potential perpetrators of torture and ill-treatment.

Recommendation of the Committee:

Promulgate and implement the newly adopted Penal Code as soon as possible, ensuring that the definition of torture is in conformity with the Convention. Further ensure that it provides for appropriate penalties for acts of torture, including the infliction of mental pain or suffering.

[1] Art. 176, Organic Law No. 01/2012/OL of 02/05/2012 instituting the penal code.

38. The new penal code was promulgated in 2012 and the definition of torture is now in conformity with the Convention against torture. Appropriate penalties for acts of torture are also provided for according to article 177. Any person, who inflicts torture on another person, shall be liable to a term of imprisonment of six (6) months to two (2) years. If torture results in either incurable illness, permanent incapacity to work, full loss of function of an organ or serious mutilation, the penalty shall be a term of imprisonment of more than five (5) years to seven (7) years. If such torture results in the death of the victim, the punishment shall be life imprisonment with special provisions. When the offences under paragraphs one and 2 of the above mentioned article are committed by a Judicial Police Officer or a Prosecutor or any other security service officer or civil servant, the offender is liable to the provided maximum penalty.

Article 2 – Prevention of acts of torture

Legal framework for the prevention of torture

39. The primary legal framework for torture prevention in Rwanda is the Constitution[2] which prohibits acts of torture in its article 14. It provides that everyone has the right to physical and mental integrity. No one shall be subjected to torture or physical abuse, or cruel, inhuman or degrading treatment. No one shall be subjected to experimentation without his or her informed consent. Modalities of the consent and experiments are determined by law.

40. Measures have also been taken to prevent all acts of torture related to the duration of arrest. Paragraphs 1 and 2 of Article 24 of the Constitution as revised in 2015 provide that "every person's liberty is guaranteed by the State. "No one shall be subject to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute a crime under the law in force at the time it was committed".

41. In its preamble, the Code of Criminal Procedure provides that penal cases must be held in public audience, be fair, impartial, comply with the principle of self-defense, provide an opportunity for cross examination, treat litigants equally in eyes of the law, be based on legally obtained evidence and be rendered without any undue delay. Article 37 provides that any person arrested has the right to be informed of the charges against him or her and to contact his or her lawyer or any other person. Any person detained may retain a lawyer of his or her choice. If a detainee is not able to get one, he or she may ask to be given one by the Chair Person of the Bar Association. Under Article 39, paragraph 3, the detainee can decide whether or not to accept the appointed lawyer. Article 60 of the law governing the Rwanda Bar Association creates an office of consultation and defense in charge of legal aid assistance for poor people.

42. The law relating to the code of criminal procedure thus specifies the procedure that the entire criminal process must follow from the investigation by Judicial Police Officers until the final judgment. This law recognizes the protection of the accused person, in order to maintain both his/her mental or physical integrity and respect for his or her rights. The criminal procedure law lays down the principle that "The suspect is entitled to be free during the time of investigation". For investigation reasons or for security measures, a suspect may be put in custody pending investigation or, in exceptional circumstances, be put in preventive detention, according to the rules provided by the law.

[2] The constitution of the Republic of Rwanda of 2003 revised in 2015.

43. A statement of arrest and detention of the suspect is valid for five (5) days which cannot be extended.[3] A suspect normally remains free during investigation. However, the suspect may be held in provisional detention if the conditions provided for under articles 96 and 97 of the criminal procedure law are met.[4] A suspect shall not be subject to provisional detention unless there are serious grounds for suspecting him/her of an offence and the offense alleged against him/her is punishable with imprisonment of at least two (2) years.[5] At this level, the Judicial Police Officer in charge of the case shall take the suspect before the nearest competent judge to decide on the pre-trial detention, if he or she decides to pursue the investigation. In the event of continued detention of a person after an order authorizing release on bail or a decision of his or her innocence, or any violations of the criminal procedure rules concerning the duration and place of detention, violators will be punished. In order to avoid unnecessary detentions and risks of possible cruel treatment, a number of cases are transferred to mediation committees.[6]

44. In addition, Children below the age of 12 cannot be held in detention centers meant for criminal suspects.[7] The Judicial Police Officer or a prosecutor in charge of the investigation of a case must use all diligence to ascertain the personality of the child and the appropriate means of his or her rehabilitation and welfare. Rules related to detention in a secret place have been put in place.

45. Article 40 of the Code of Criminal Procedure provides that when a person is placed under arrest by the police, he or she shall not be detained in any place other than the detention centre available for that matter and located within the area where the National Police or Military Police office is located. Soldiers and their accomplices shall be held near the office of Military Prosecution.

46. In order to protect citizens against torture, the State has put in place other laws punishing more specific acts of violence as well as torture and ill treatment. Articles 114 and 187 of the penal code set up prosecution for offences constituting the crime of genocide which can also result in torture. Article 28 of the law related to the protection of the child provides that the members of the family or any other person knowing that the child is a victim of violence or mistreatments including torture have the obligation to denounce them to the authority in charge of placement or to the nearest organ of Rwanda National Police.[8]

47. Article 27 of the law related to protection of women against violence sets up prosecution for sexual torture where any person guilty of violence by exercising sexual torture or intending to commit sexual torture shall be liable to the life imprisonment with special provisions.[9]

Institutional framework for the Prevention of torture

48. Apart from the various institutions to support the promotion and protection of human rights in Rwanda mentioned previously, some specific institutions are instrumental in the prevention of torture and other forms of cruel, inhuman or degrading treatment.

49. One example is the district Access to Justice Officers who are permanent staff in all 30 districts of Rwanda. Access to justice is a fundamental right for all Rwandans. Article 18

[3] Art. 37, Law No. 30/2013 of 24/5/2013 relating to the code of criminal procedure.
[4] Art. 89, idem.
[5] Art. 96, ibidem.
[6] Article 12 mediation law, art. 4.
[7] Article 199, Code of Criminal Procedure.
[8] Law No. 54/2011 of 14/12/2011 relating to the rights and the protection of the child.
[9] Law No. 59/2008 of 10/09/2008 on prevention and punishment of gender-based violence.

of the Constitution and Article 37 of the Criminal Procedure Law guarantee the right to defense for all individuals in Rwanda. Indigent persons and minors have access to free legal representation. In this regard, three staff members are appointed in each Access to Justice Bureau to respond to the needs of vulnerable people and bring the formal justice system closer to the people. One Access to Justice Officer in each District responds specifically to cases of gender-based violence. Another officer assists in the execution of court judgments with the support of the local government administration. The third officer represents indigent people in courts of law. Nationally, in 2015, the District Access to Justice Bureaus provided legal aid at no cost in 22,510 cases of which 20,469 (90.93%), were civil matters and 2,041 (9.07%) were penal related matters. Such institutional framework ensures that no one is subjected to torture or other ill-treatment and even when such cases are reported it becomes easier to follow up and handle.

50. The Rwanda Bar Association collaborates with the Government legal aid service provision through a framework agreement with the Ministry of Justice. In addition, Articles 58 and 68 of the law regulating the Bar Association provide for mandatory provision of legal aid to the poor by members of the Bar Association. The increase of lawyer's membership in Rwanda Bar Association from 37 members in 1997 to 1,200 in January 2015 has increased access to the formal justice system for people in Rwanda. This has fostered greater due process through the provision of legal assistance to vulnerable persons including women, children and indigent persons.

51. The Ministry of Justice encourages and coordinates civil society organisations such as the the Legal Aid Forum, a coalition of over 33 human rights organizations which works to grant legal aid to the poor victims of injustice, violence, torture or cruel, inhuman or degrading treatment. In practice, these mechanisms give detainees access to necessary assistance in their defense.

52. A Legal Aid Policy and Justice for Children Policy were adopted in October 2014 to streamline the provision of legal aid and to coordinate the activities of all legal aid providers in the country. The Policies establish mechanisms to improve legal aid provision to indigent and poor Rwandans as well as minors in conflict with law. Tangible results of the Policy include the establishment of a referral system among Alternative Dispute Resolution mechanisms to prevent duplication and improve efficiency and effectiveness.

53. A Legal Aid Week is held each year to provide vulnerable people greater access to justice. Legal Aid Week activities originally focused on legal representation for minors in detention centers, today activities during the legal aid week have been expanded due to the involvement of prison officers, courts, the National Public Prosecution Authority, the Rwanda National Police and the Bar Association. For example, during the 2014 legal aid week, 159 people received legal representation in courts including 137 children. Legal assistance was also provided for the execution of 112 judgements. Other forms of legal advice were provided for 1,130 people in all 30 districts as well as 1,175 prisoners.

54. In order to improve access to the courts and improve case management, the Judiciary has progressively introduced an Integrated Electronic Court Management System across Justice Sector institutions to replace the existing electronic filing system. This is aimed at enhancing justice services delivery to citizen, improve administration, Performance and monitoring.

55. Additionally, with regard to witness protection, a 2012 law relating to protection of whistle blowers ensures that whistle blowers are protected against any form of harassment or intimidation. The National Public Prosecution Authority and the Supreme Court also have witness protection units and safe houses to ensure the security of both prosecution and defence witnesses are guaranteed by the State.

56. Inspections are conducted by the National Police in police detentions every week and the National Public Prosecution Authority conducts visits in all detention facilities at least once per term. In addition the National Commission for Human Rights conducts regular visits to all prisons to monitor detention conditions and receive complaints from detainees where they may arise. Detainees are also allowed to receive visitors every weekend. All of these safeguards ensure that persons in detention are treated in accordance with the international standards for the treatment of prisoners and that all fundamental rights are respected.

57. In particular, the Rwanda Correctional Services has specifically trained a big number of its staff with regard to the prevention of torture. For example, 1500 RCS staff have undergone basic prison training courses to date, 5 others have been trained in staff and command courses, while 173 received training on human rights and humanitarian law. 14 staff were also trained in health information management system specifically for medical personnel, and other 14 received training on Body mass index (BMI) interpretation. All these trainings were provided in order to equip the RCS staff with necessary knowledge to prevent torture and ill-treatment in prisons.

58. The adherence by Rwanda to fundamental principles of human rights, including through provisions of its internal law system, does not give room for derogation from guarantees offered to citizens of protection against acts of torture, even during exceptional circumstances such as internal political instability, war, state of emergency or any other situation. The fact that Rwanda has ratified the Convention against Torture and its Optional Protocol, and that it may be directly applied by national courts is a further guarantee of non-derogation even in emergency situations. Authorization of torture in exceptional circumstances would be unconstitutional with regard to article 14 of the Constitution and other conventions to which Rwanda is party such as the International Covenant on Civil and Political Rights and its Second Optional Protocol abolishing the death penalty, Geneva Conventions and its Protocols which all formally prohibit the use of torture in all cases. Thus under no circumstances is torture acceptable in Rwanda whether in times of war or peace.

Measures taken according to article 2, paragraph 3

The order of a superior manifestly is illegal.

Recommendation of the Committee:

Guarantee, as a matter of practice, the right of a subordinate to refuse to execute an order from his or her superior that is contrary to the Convention. It should also ensure, in practice, that the execution of such act may not be a justification of torture, in full conformity with article 2, paragraph 3, of the Convention.

59. In Rwandan law, criminal responsibility is personal. Article 49, paragraph 2, of the Constitution as revised in 2015, provides that any citizen has the right to defy orders received from his or her superior authority if the orders constitute a serious and manifest violation of human rights and public freedom. This is in full conformity with article 2, paragraph 3, of the Convention against torture.

60. Article 133 of the Penal Code provides for criminal liability of a superior and his/her subordinate. "The fact that any of the acts provided under section one to section 3 of the penal code was committed by a subordinate shall not relieve his/her superior, of criminal liability if he/ she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the offender and inform relevant authorities."

In addition, the fact that an accused person acted pursuant to an order of a Government or a superior shall not relieve him/her of criminal liability where, it was obvious that the order could lead to the commission of any of the offences provided by the law.

61. The Presidential Order establishing the Code of professional ethics for public servants in its articles 22 (2) and 27 determines the possibility to defy orders from a superior authority.[10] This article stipulates that vis à vis his/her subordinates a public servant must know and comply with or enforce the rights of his/her subordinates. Article 27 paragraph 2, 3 and 4 stipulates that a public servant has the right to defy orders received from his/her superior authority if the orders constitute a manifest violation of this order. He/she shall, in a polite manner and immediately provide with reasons as to why he/she is defying from those instructions. Where a public servant is being forced or threatened to act in any way which is contrary to this order shall refrain and report the matter to the next line manager.

62. For the military, the ministerial instructions establishing their disciplinary code stipulates that a soldier shall not comply with illegal orders.[11]

63. The ministerial instructions establishing police code of conduct also stipulates that a subordinate police officer should comply with the respect, obey and follow instructions given by his/her authorities except when they are obviously illegal.[12] Police Officers are also well trained on human rights law in particular. If a superior order implies human rights violations, a police officer can refuse to comply or request for legal advice on the matter where necessary. An officer who politely refuses orders violating human rights cannot be punished for this reason as clearly stipulated by law.

Article 3, 6, 7, 8 and 9 – Prohibition of expulsion, extradition proceedings, non- extradition, extradition treaties and mutual judicial assistance

64. Legislative measures have been taken in accordance with article 3 of the Convention. The legal provisions related to expulsion, removal and extradition are provided in Rwandan legislation. Extradition is only authorized within limits provided by law and in conformity with international human rights obligations in force.[13]

65. Article 16 paragraphs 2 and 5 of the 2013 Extradition law guarantee that an individual will not be extradited where they are in danger of facing torture or where the death penalty may be applied. The Extradition law also provides in Article 16 that an extradition will only occur where it is guaranteed that the requested person will be afforded all fundamental human rights. The Minister in charge of justice shall not grant the extradition if the requested person would be subjected to torture or cruelty, inhuman or degrading treatment or if that person has not received or would not receive the minimum guarantees in criminal proceedings as provided for under the International Covenant on Civil and Political Rights of 19 December 1966.

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[10] Art. 22 and 27, Presidential Order No. 45/01 of 30/06/2015 establishing the Code of professional ethics for public servants, in *OG* No. special of 1/7/2015.

[11] Art. 6, Ministerial Order No. 01/Minadef/2012 of 10/9/2012 establishing the disciplinary code in the Rwanda Defence Forces and determining the organization, functioning and powers of disciplinary committee, in *OG* No. 38 of 17/9/2012.

[12] Art. 13 (2), Ministerial instructions No. 003/12 of 17/9/2012 establishing police code of conduct, police laws, available at http://www.police.gov.rw.

[13] Article 18 of the Penal Code.

66. Extradition is subject to a court order and as such there is room for an appeal against extradition to be made to the courts and responded to before extradition can be done.

67. In particular, Article 8 of Organic Law No. 37/2007, on the abolition of the death penalty provides that if a state requests extradition of a suspect and the offence for which the suspect is accused is punishable by death in the requesting State, the Rwandan Government will only agree to extradition if the requesting State provides formal assurances that the death penalty will not be applied.

68. Article 28 of the Constitution also recognizes asylum in conformity with international law and conventions that Rwanda has ratified, especially the Convention Relating to the Status of Refugees and its 1967 Protocol and the AU Convention Governing Specific Aspects of Refugee Problems in Africa. The ratification of all these Conventions shows the will of Government of Rwanda to conform itself to prescriptions governing protection of people against expulsion or extradition to states where they risk being tortured. The law provides for appeal in case a foreigner who is subject to deportation fears the risk of being persecuted in his home country and the appeal has to be done within 30 days following the deportation.

69. In Rwanda to date, no foreigner has been subject to expulsion, removal or extradition to a country where there are serious reasons to believe that they risk being subjected to torture.

70. Rwanda has also signed extradition treaties as well as other judicial cooperation agreements with other Countries and it is always specifically provided that no extradition can occur where there is a threat of torture or ill-treatment to the person whose extradition is sought.

Recommendation of the Committee:

Ensure that persons are not expelled, extradited or returned to States where there are substantial grounds for believing that they would be in danger of being subjected to torture. Take steps to guarantee that the principle of non-refoulement is properly applied by the High Court when it decides on such cases. Further ensure that the draft law on extradition, currently under discussion in Parliament, incorporates international obligations under article 3 of the Convention.

71. The Rwandan Constitution as revised to date provides that the extradition of foreigners shall be permitted only so far as it is consistent with the Law or international conventions to which Rwanda is a party.[14] In the extradition law, Paragraph 2 of Article 11 related to the power of taking decision on extradition stipulates that if there is an extradition treaty which provides that the decision for extradition is taken by a judge, the Minister in charge of Justice shall immediately forward the extradition request to the National Public Prosecution Authority or Military Prosecution Department in order for them to ask the relevant authority to determine whether the extradition request can be granted.

72. There have not been many extradition cases of foreigners from Rwanda. However, one of the outstanding extradition case is the "Fr. Guy Theunis case". On 9 November 2005, the Rwandan Supreme Court granted a request from the Belgian government, allowing the extradition of a Belgian priest to his home country where he was tried for complicity in genocide. Guy Theunis, a Catholic priest aged 60, was arrested on September 6, 2005 in Rwanda for his alleged role in the 1994 genocide. After facing Rwandan courts,

[14] Art. 29 para. 10, Constitution of the Republic of Rwanda of 2003 revised in 2015, in *OG* No. special of 24 December 2015.

the Supreme Court ruled that Fr. Guy Theunis, be extradited to face the court of law in his home country, Belgium.[15] In arriving at that decision the courts in Rwanda had to establish that there was no threat of torture or ill-treatment once extradition had been granted.

73. The law relating to refugees also provides for the principle of non refoulement. According to article 21 of the law No. 13ter/ 2014 OF 21/05/2014 relating to refugees; under no circumstances may a refugee be sent back or deported to a country where his/her life or liberty may be in compromised for reasons provided for by article 7 of the above mentioned law. Article 7 provides for the requirements for obtaining asylum, and a person shall be eligible for asylum, if he/she has well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion different from the political line of the country of his/her nationality and owing to such fear, he/she is unable to avail himself/herself of the protection of that country; or owing to an external aggression, occupation, foreign domination or events seriously disturbing public order in either part or in the whole of his/her country of origin or nationality, he/she was compelled to leave his/her place of habitual residence in order to seek refuge in another place outside his/her country of origin or nationality. The above provisions further demonstrate that Rwanda's domestic laws incorporate the international obligations under article 3 of the Convention against torture.

Article 4 – Criminalization of acts of torture, attempt, complicity and provided penalties

74. In the framework of the implementation of the Convention, article 176 of the Organic Law No. 01/2012/OL of 02/05/2012 instituting the penal code recapitulates word-for-word the Convention terms concerning the definition of torture and other cruel, inhuman or degrading treatment or punishment. Article 177 provides penalties of six months imprisonment at a minimum and life imprisonment with special provisions (with isolation) at a maximum.

75. The provisions in the penal code relating to punishment for genocide and related crimes also discuss the penalties to be applied for torture. In particular, the perpetrators of acts of sexual torture are punished severely. Article 187 of the Penal Code provides serious penalties for all perpetrators who commit sexual torture. An offender of sexual torture shall be punishable by life imprisonment with special provisions.

76. The law related to the protection of children and the law related to the prevention and punishment of gender based violence provides penalties up to life imprisonment with special provisions (isolation).

Article 5 – Territorial jurisdiction in criminal matters

77. Article 16 of the Law No. 01/2012/OL of 02/05/2012 instituting the penal code punishes international and cross- border crimes. "Any person, whether Rwandan or foreigner, a Rwandan or foreign non-governmental organization or association, that commits, inside or outside the Rwandan territory, or cross-border crimes may, if apprehended on the territory of the Republic of Rwanda, be prosecuted and tried by Rwandan Courts in accordance with Rwandan laws as if any of the following crimes had been committed in Rwanda : terrorism; hostage-taking; piracy; drug trafficking; illicit

[15] Rwanda: Court Orders Father Theunis' Extradition, report by F. kimenyi, available at http://allafrica.com/stories/200511140371.html.

manufacturing and trafficking in arms; money laundering; cross-border theft of vehicles with the intent of selling them abroad; information and communication technology related offences; trafficking in human beings especially children; slavery and torture; cruel, inhuman or degrading treatment; genocide, crimes against humanity and war crimes; genocide denial or revisionism; encouraging, mobilizing, assisting, facilitating or participating in any other manner, whether directly or indirectly, in the commission of any of the offences specified by the above-mentioned article or any other related offences."

78. According to Article 11 of the penal code an offence shall be deemed to have been committed on the Rwandan territory if an act satisfies one of its constituent elements namely the mens rea, actus reus and legal element was accomplished in Rwanda. An offence shall also be deemed to have been committed on the Rwandan territory if it is committed by or against a Rwandan citizen in an area which does not fall under the sovereignty of any State or committed by any person on board a vessel flying the flag of Rwanda and in waters which do not fall under the sovereignty of any State or on board a Rwanda registered aircraft in the territory which is not under the sovereignty of any State.

Article 10 – Mobilization for the respect of the Treaty provisions

Recommendation of the Committee:

Ensure that public officials, judges, magistrates, prosecutors and lawyers receive training on the provisions of the Convention so as to facilitate its direct invocation before and its application by domestic courts. Further ensure, in the transitional period before the promulgation of the new law, that the lack of definition of torture in the Penal Code is compensated by the direct application in domestic courts of the definition appearing in the Convention. Provide the Committee with illustrative cases of direct application of the Convention in its next periodic report.

79. The Institute of Legal Practice and Development ensures the continuous training of officials, judges, prosecutors and lawyers on the provisions of the Convention. Staff are trained on respect for human rights, criminal procedure, the administration of evidence, support for victims and protection of witnesses of violence, investigative techniques of specific crimes all these in order to prevent torture and other cruel, degrading or inhuman treatment. The Criminal Investigation Department at the National Police has special school training for its staff. Judicial Police officers receive specific courses and the Ministry of Defense trains its personnel every year. The Rwandan courts are also regularly sensitized to quote the provisions of the convention in their motivation of court rulings.

80. The Human Rights Commission also has the specific mandate relating to human rights education and in that regard has made tremendous effort in education various sections of the community on human rights in general and the Convention against Torture in particular.

81. This dissemination is mainly done through training of different leaders in society on international conventions. From 2011 to date for example, 2,108 religious leaders have been trained, 1,768 youth, 2,108 representatives of cooperatives, 385 representatives of persons with disabilities, 339 representatives of people living with HIV, 52 Journalists, 865 members of human rights clubs in schools, 92 representatives from Parent-Teacher Associations, 390 primary school teachers, 806 secondary students, 1,802 local government leaders, 45 members of the Rwanda Bar Association, 40 Judges, 557 representatives from the National Women's Council, 54 leaders from the National Police and 2,178 representatives from private security agencies. Other trainings in relation to torture prevention were conducted in 2013, 2014 and 2015. The Institute of Legal Practice and Development in 2013 trained 28 judges from primary and intermediate court on

International law and penal code. Trainings on arbitration were also conducted for all Supreme Court Judges, High court Judges, Commercial High court registrars, and Inspectors of Supreme Court.

82. There have been training on International standards in criminal proceedings for 35 staffs from the judiciary, prosecution and police. Training was conducted on transfer law and criminal procedures for 45 High Court and Supreme Court staffs especially judges, registrars; Researchers and Prosecutors. Training on Rules of Procedure in Civil Matters offered to 198 Judges and registrars from the High Court chambers everywhere in the country , training for 28 staffs composed by judges, inspectors and prosecutors on development of Court Rules and Procedures in Criminal Matters , training to 45 persons on the modes of liability in international law and elements of international crimes for Judges and Registrars of the Supreme Court, Legal Researchers and Prosecutors; and training for 15 participants composed by judges, inspectors, and prosecutors on Developing Sentencing Guidelines.

Recommendation of the Committee:

Reinforce training programmes addressed to law enforcement officials, civil, military and medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of individuals subjected to arrest, detention or imprisonment. Assess the effectiveness of the training provided and ensure that the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol)* is included in the training programmes.

83. The Military prosecution service provides periodic training to all military personnel undergoing ordinary military training in all military training institutions and to personnel undergoing UN mission's peacekeeping pre-deployment training. Rwanda trains at least 6 Battalions per year and each Battalion is supported by a military lawyer for legal advisory during the course of the mission abroad.

84. The Rwanda correctional Services, Rwanda National Police (Judicial and Medical legal personnel), National Public Prosecution Authority and the Judiciary also receive regular training relating to the Convention against Torture. The Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), The Convention against Torture and its Optional Protocol are the main documents used in conducting all the above mentioned trainings.

Article 11 – Systematic review of interrogation rules, detention and imprisonment to avoid acts of torture

85. According to article 25 of the Criminal procedure Code, a Judicial Police Officer shall interrogate a suspect and make a written record of the statement made by the suspect. The suspect shall be interrogated in the language he/she understands well. A Judicial Police Officer may also interrogate any person presumed to have some clarification and compel him/her to give testimony in the manner provided for by the law. He/she may also prevent any person from moving away from a specified area until completion of the statement and, if necessary, to compel him/her to stay in that area.[16] The Judicial Police must always

[16] Art. 25 CCP.

inform the suspect and the complainant about their rights provided for by law. One of these rights is the right to have a legal counsel.

86. Any person held in custody by the Judicial Police shall have the right to legal counsel and to communicate with him/her. If a suspect is unable to find a legal counsel, the Judicial Police Officer or the Prosecutor shall inform the Chairperson of the Rwanda Bar Association so that he/she assigns a legal counsel for the suspect. The suspect shall have the right to accept or refuse to be represented by such a legal counsel.[17]

87. Rwanda National Police has also put in place measures to interrogate vulnerable groups such as minors. Those measures include the Isange One Stop Centers (IOSC) which helps in rehabilitation as well as interviewing minors and other victims. These centers provide free, 24-hour medical, psychosocial counseling and medico-legal services and emergency safe houses for victims. Toll-free telephone lines that facilitate quick emergency reporting, information access and rapid response to GBV or torture cases support the established centers. Currently, there are operational 23 IOSC countrywide and the target is to have 1 IOSC in each district by the end of 2016.

Article 12 – Investigations regarding act of torture

88. The investigation regarding acts of torture is conducted the same way as on other crimes. Authorities competent to initiate and carry out investigations related to penal matters are Judicial Police Officers and Prosecutors. The burden of proof lays upon the Public Prosecution. An accused is always presumed innocent until proven guilty by a final court decision. An accused is not obliged to prove his/her innocence unless his/her guilt has been established.

89. There has been a small number of torture cases prosecuted in Rwandan courts. An example is case number RP 0156/13/TGI/GSBO of 28/06/2013 which involved 7 suspects among whom 4 were suspected of torture and illegal detention and 3 others were accused of complicity. They were accused of torturing a man who they accused of stealing electricity from the residence of a police officer. Two of the accused police officers prosecuted for torture in this case were found guilty and sentenced to 7 years imprisonment, while one was sentenced to 3 years and half years imprisonment. The 2 others were sentenced to two years imprisonment and fined 500.000 Rwanda Francs each, while one of the accused persons was found not guilty. The six convicts were ordered by the court to pay the victim an amount of two hundred and ten million Rwandan francs (210.000.000) collectively.

Article 13 and 14 – Right of the victim to complain before competent authorities and to obtain fair compensation

90. According to article 22 of the law relating to the code of criminal procedure, a complaint may be filed with the Judicial Police either orally or in writing. If the complaint is filed orally, the Judicial Police must put it in writing. Article 140 of the same law provides for the period for filing a civil action within criminal proceedings. A person aggrieved by an offence may, from the filing of the case in the court to the closing of the proceedings, bring before a competent court an action for recovery of damages by giving notice of the action in the court registry or in the course of the hearing with an acknowledgment of receipt. The court shall notify parties involved in the case of the notice.

[17] Art. 39 CCP.

These provisions are observed be it the right of the victim to complain before authorities or the right to obtain fair compensation.

91. A victim has the possibility of recourse before impartial and competent courts and tribunals by claiming damages by way of private prosecution. Specific programmes of victim and witness protection have been instituted for these proceedings. The right of victims to obtain compensation is subject to authentic act or recognition from the perpetrator of the offence giving rise to compensation. This act may be a decision to cast force of judgment establishing the guilt of the actor and/or giving compensation to the victim. Once the victim has a final court decision, he becomes creditor to the perpetrator, and is entitled to the movable and immovable property of his debtor by voluntary or forced judgment decisions.

Article 15 – Value of statements obtained under torture

Recommendation of the Committee:

Ensure that confessions, statements and evidence obtained as a result of torture or ill-treatment are not invoked as evidence in any proceedings except against a person accused of torture as evidence that the statement was made. Investigate confessions obtained through torture, and prosecute and punish those responsible. Review criminal convictions based solely on confessions in order to identify instances of wrongful convictions based on evidence obtained through torture or ill-treatment, and take appropriate remedial measures and inform the Committee on its findings.

92. Illegally obtained evidence is considered null and void before Rwandan courts. Obtaining evidence through physical restraint, whipping, torture, brainwashing or any cruel or degrading method is prohibited. Such evidence is prohibited in all courts. Evidence that has no probative force to be declared admissible or valid in resolving a dispute is without effect according to article 8 of the law of evidence. Even if a confession is voluntary, it can be revoked if it is proven that the suspect was physically extorted or that there was a mistake of fact.

Part II: Compliance with the Committee's Conclusions and Recommendations

Recommendation of the Committee:

Take immediate and effective measures, to prevent torture and ill-treatment in all detention facilities and other places of deprivation of liberty in its territory. It should promptly, impartially and thoroughly investigate the 18 alleged cases of torture, and the reported cases of torture and ill-treatment of political prisoners, and prosecute and punish those responsible with appropriate penalties. Further to the investigation, ensure that those subjected to torture or ill-treatment are provided with redress, including rehabilitation.

93. The Rwanda Correctional Services (RCS) developed a comprehensive strategy for torture prevention composed of three interrelated elements: A legal framework that prohibits torture, effective implementation of this legal framework and mechanisms to monitor the legal framework and its implementation.

94. Article 30 of law governing RCS defines acts prohibited against an incarcerated person. "An incarcerated person shall be treated at all times with the respect and dignity inherent to human beings. In particular, he /she shall be protected against any form of

torture and cruel, inhuman or other degrading treatment. Any form of discrimination based on ethnicity, race, sex, language, religion, political opinion, nationality, social and economic status, birth or any other ground is prohibited."

95. RCS also prevents torture from occurring through training, education and regular monitoring of places of detention by the inspection team. In case of any occurrence of any act of torture or ill treatment against the detainee or Prisoner, RCS provides such information to the police and prosecution so that prosecution may be done and reparations provided for victims. Allegations of torture must be promptly, impartially and effectively investigated, even in the absence of a formal complaint, and the investigation must seek both to determine the nature and circumstances of the alleged acts and to establish the identity of any person who might be involved.

96. RCS has specific staff in charge of Human rights in Prisons, legal Officers, Registrars and Social Officers as well as medical staff in all detention facilities who monitor inmates' conditions and all ongoing activities on a day to day basis.

97. The Ministry of Internal Security also conducts regular monitoring at least each term in all prisons and detention centers to ensure respect of the fundamental rights of persons in detention.

98. It should be noted that there are no political prisoners in the Rwanda's detention facilities. The individuals mentioned in the Committee's concluding observations were duly prosecuted in public trials for criminal offences and sentenced accordingly.

99. With regard to individuals mentioned in the Committee report, it should be noted that none of them are political prisoners. Ingabire Victoire UMUHOZA (RPA 0255/12/CS) was indicted and prosecuted for several offenses including genocide ideology, aiding and abetting terrorism, sectarianism and divisionism and endangering national Security. The Supreme Court found her guilty and sentenced her to 15 years in prison. She is a prisoner like any other. She continues to enjoy the best possible standard of care while serving her prison term. She is often visited by family and organizations that monitor the situation of detention facilities.

100. Also mentioned in the Committee's concluding observations is Bernard Ntaganda who was arrested in June 2010 and released in 2014 after serving a four-year sentence for endangering national security and divisionism.

Recommendation of the Committee:

Ensure that no-one is detained in secret or unofficial facilities and prevent all forms of unlawful detention in its territory as well as initiate investigations into such allegations. As a matter of urgency, close such facilities and promptly ensure that those detained in such places are provided with all legal safeguards, in particular, the right to promptly appear before a judge, no later than 48 hours after arrest or detention (see Basic Principles on the Role of Lawyers, para. 7), the right to a lawyer of his/her choice, and the right to a medical examination. Establish and make public, in law, an official list of all places of detention, and promulgate penalties for those responsible for detaining persons outside of legal detention facilities.

101. There is no unofficial detention in Rwanda. Article 40 of the CCP is clear about legal custody facilities in Rwanda. A person held in detention by the Judicial Police shall in no way be held in prison or in any place other than the relevant custody facility located within the jurisdiction of the Judicial Police Officer or the Military Police Officer for members of the military and their co-offenders and accomplices.

102. A Ministerial Order No. 01/Mininter/14 of 28/05/2014 has determined judicial police custody facilities. According to article 2 of this order, Judicial Policy custody facilities are established at Police stations and posts. Any person the judicial Police decide to prosecute while under detention must be detained in Judicial Police custody. And any person held in custody by the Judicial Police shall have the right to legal counsel and to communicate with him/her.

103. The presidential order No. 60/01 of 02/11/2012 modifying and complementing presidential order No. 43/01 of 10/11/2007 as modified and complemented to date establishes 15 prisons in Rwanda as found in the Annex of this report. These are Ngoma, Rwamagana, Bugesera, Nyagatare, Rusizi, Rubavu, Musanze, Gicumbi, Nyamagabe, Huye, Nyanza, Muhanga, Nyarugenge, Gasabo and the Military Prison.

104. There are therefore no unofficial detention facilities in Rwanda, Kami is a military barracks in Kinyinya sector and not a place of detention. As such no individuals are held or interrogated there.

Recommendation of the Committee:

Take prompt and effective measures to ensure, in law and in practice, that all detainees are afforded all legal safeguards from the very outset of their detention. These include the rights of each detainee to be informed of the reasons for his/her arrest, including any charges against him/her; to be informed of his/her rights in connection with his/her detention; to have prompt access to a lawyer or, if necessary, to legal aid, and to be able to consult privately therewith; to have access to an independent medical examination, preferably by a doctor of his/her choice; to notify a relative of his/her detention; to have a lawyer present during any interrogation by the police; to be assisted by an interpreter, if necessary; to be brought promptly before a judge and to have the lawfulness of his/her detention reviewed by a court. Ensure that public officials, in particular judicial officers, medical officers, prison doctors, prison officials and magistrates who have reasons to suspect an act of torture or ill-treatment, record and report any such suspected or claimed act to the relevant authorities. Consider establishing a centralized registration system of those deprived of their liberty.

105. Article 29 of the constitution says that everyone has the right to due process of law, which includes the right: 1° to be informed of the nature and cause of charges and the right to defense and legal representation; 2° to be presumed innocent until proved guilty by a competent Court; 3° to appear before a competent Court; 4° not to be subjected to prosecution, arrest, detention or punishment on account of any act or omission which did not constitute an offence under national or international law at the time it was committed. Offences and their penalties are determined by law; 5° not to be held liable for an offence he or she did not commit. Criminal liability is personal; 6° not to be punished for an offence with a penalty that is severer than the penalty provided for by the law at the time that offence was committed; 7° not to be imprisoned merely on the ground of inability to fulfill a contractual obligation; and; 8° not to be prosecuted or punished for a crime which has reached its statute of limitations. However, the crime of genocide, crimes against humanity and war crimes are not subject to statute of limitations.

106. From the outset of detention, the leadership of RCS provides the following legal safeguards for persons deprived of their liberty: the right to have family members or next of kin informed of their whereabouts following their arrest, the right to consult a medical personnel / Doctor, the right to have access to a lawyer and to have the lawyer present during interrogation, the right to remain silent before they get lawyers, the right to be brought before a magistrate or judge within a reasonable period of time, the right to

challenge the legality of their detention and treatment and the right to be informed of these rights in language that is understandable to them.

107. With regard to the centralized registration system of those deprived of their liberty, Prison watch system is in place and is operational in 14 prisons. The Prison Watch system ensures that each inmate's information is available on line making it easy to access for immediate action on the file as needed such as releasing people who have finished their sentences. A new Integrated Electronic Case Management System connects key institutions concerned with the conduct of a court case such as the prosecution, judiciary, police and correctional services. The system helps in the registration and monitoring of detainees and inmates as well as maintaining a record of legal proceedings from their beginning to the end.

108. As previously mentioned, a Legal Aid Policy and a Justice for children policy were adopted in October 2014 to streamline the provision of legal aid and to coordinate the activities of all legal aid providers in the country. The Policies establish mechanisms to improve legal aid provision to indigent and poor Rwandans as well as minors in conflict with law. Tangible results of the policies so far include the establishment of a referral system among Alternative Dispute Resolution mechanisms to prevent duplication and improve efficiency and effectiveness. The Legal Aid Policy in particular created a legal aid fund to act as a central depository of all legal aid funding and establishing a legal aid steering committee to coordinate all legal aid activities.

109. A Legal Aid Week is held each year to provide vulnerable people greater access to justice. Legal Aid Week activities originally focussed on legal representation for minors in detention centers, now activities during the legal aid week have been expanded due to the involvement of prison officers, courts, the National Public Prosecution Authority, the Rwanda National Police and the Bar Association.

Recommendation of the Committee:

Facilitate the conduct of more visits to places of deprivation of liberty by institutions and non-governmental organizations for monitoring purposes, and ensure that detainees can lodge complaints without fear of reprisal. Complaints should be promptly, impartially and independently investigated.

110. The National Commission for Human Rights has been entrusted the responsibility to visit all places of detention as stipulated in article 6(3) of the Law No. 19/2013 of 25/03/2013 determining its missions, organisation and functioning. This law states that the Commission has the right "to carry out visits to custodial places with the purpose of inspecting whether the rights of detainees are respected and urge relevant authorities to address identified cases of violation of the rights of detainees."

111. The Commission thus conducts unannounced visits to prisons and police detention facilities at least twice a year and formulates recommendations to the competent authorities for improvement of the conditions. For example, in May 2015, the Commission visited all prisons in the country (14) and the police detention centres (52). Following these visits, a report including recommendations was produced and addressed to the President of the Republic, Parliament, Supreme Court, Prime Minister and other relevant authorities. These recommendations mainly concern how to manage prisoners' files, to bring prisoners before courts on time and to transfer courts' decisions related to prisoners to penitential authorities.

112. The Rwanda Correctional Services also has its own internal mechanisms to monitor the conditions in prisons including: inspection by a team from the Rwanda Correctional Services Headquarter[18] and the ministry of Internal security.

113. Other visits to places of detention are done by the Ministry of Justice officials, prosecutors, lawyers offering legal aid or otherwise visiting clients and the International Committee of the Red Cross staff. The ICRC in particular conducts visits at least twice every month in all prisons. Other Civil Society organizations such as LAF, CLADHO, Pro femme Twese hamwe, DIDE and religious organizations also conduct regular visits to prisons every month and are allowed to question inmates on any matters related their wellbeing.

Recommendation of the Committee:

Take all appropriate steps to effectively protect all persons from enforced disappearance. It should ensure that all cases of enforced disappearance are thoroughly investigated and that those responsible for enforced disappearances are prosecuted, and if found guilty, punished by appropriate penalties. Ensure that any individual who has suffered harm as a direct consequence of enforced disappearance has access to all available information which might be useful to determining the whereabouts of the disappeared person, as well as to fair and adequate compensation. Reinforce its efforts to clarify all outstanding cases referred to it by the Working Group on Enforced and Involuntary Disappearances. Furthermore, ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

114. Article 120 paragraph 9 and article 21 of the Penal code punish the crime of enforced disappearance. Appropriate measures and steps have been put in place to effectively protect all persons from enforced disappearance. From the outset, when the Criminal Investigation Department (CID) receives a complaint of a disappearance; Judicial Police Officers proceed with investigations and transmit the case files to the National Public Prosecution Authority (NPPA) in accordance with the law. All cases of alleged disappearances reported to the police have been duly investigated.

115. The Rwanda National Police opens a file on each case and has consistently carried out investigations. The majority of cases previously reported as missing were found not to have been reported to police. Most of the names mentioned were not found recorded in the citizens' database of Rwanda by the National Identification Bureau.

116. The Government of Rwanda has provided responses to all the 21 cases addressed to it by the Working Group on Enforced and Involuntary Disappearances. All the cases of enforced disappearances which were brought to the Government' attention have been examined and addressed and the information on all the outstanding cases has been provided to the Working Group on Enforced and Involuntary Disappearances. The following 21 cases were reported by the Working Group on Enforced and Involuntary Disappearances, the concerned institutions examined all the cases and the government of Rwanda has sent a progress report to the working group on the investigation of subject cases. No new information is available regarding those cases.

117. The 21 cases are listed below with their dates of disappearance shown in brackets: DUSABUMUREMYI Elie (disappeared on 11 July 1996), KANANI Sylvere (25 September 1996), MUHANGI MUSAFIRI (1 December 1990), PALIMEHUTU

[18] Article 40, RCS.

Celestin (13 February 1993), NKUNZURWANDA Alphonse (13 February 1993), NDAGIMANA Leonard (25 July 1994), BENIMANA Ladislas (4 August 1994), BENIMANA Jean-Claude (4 August 1994), BENIMANA Rosine (4 August 1994), BAHATI Bruni (22 April 2000), NSENGIYUMVA Joseph (18 September 2001), MUJAWIMANA Angeline (2 April 1994), Emmanuel MUNYEMANZI (5 May 1998), Onesphore BYAMPILIYE (29 June 1999) and HITIMANA Leonard (7 April 2003); The Government of Rwanda has not been able to uncover any information on these cases to date.

118. KUBAKA John Peter; no reliable information on his disappearance is available but informal sources claim that he was abducted by the former Rwandese Armed Forces (ex FAR), who accused him of complicity with the Rwandese Patriotic Front (FPR).No other information is available on his case.

119. MASABO Samuel; according to a family member, he was abducted by the former Rwandese Armed Forces (ex-FAR) and killed at the Mukamira camp after being released from the Ruhengeri prison.

120. MUNYAKAZI Jean and NIYONZIMA Appollinaire; both were accused of complicity with the Rwandese Patriotic Front (FPR) and were abducted and killed by the former Rwandese Armed Forces.

121. HAKIZIMANA Emmanuel; he was abducted by the former Rwandese Armed Forces which included Major NGUYENEZA Evariste, alias Never, and BAKIYE Jean Berchmas, former bourgmestre of the Mutura commune, and deputy bourgmestre HABARUREMA Zacharie. The accused have been prosecuted for this crime.

122. Lt. Colonel CYIZA AUGUSTIN and RUNYARUKA Eliezel; they are said to have been together at the time of disappearance and their abandoned car was found in the Bukamba location, in the District of Musanze 5 km from the border between Rwanda and Uganda. No other information has been found regarding their case.

123. The above missing persons investigations remain open. The investigating agencies continue to look out for and analyse any information that may lead to the definitive conclusion of any of them. That said, it should be noted that all of these cases relate to the period immediately before and after the 1994 genocide against the Tutsi that left over 1 Million people dead and completely destroyed all of the institutions, ensure Law and Order and total protection of all citizens in all parts of the country. It was perhaps the most turbulent period in Rwanda in recent history.

Recommendation of the Committee:

Ensure that the Gacaca courts system is compatible with the international human rights obligations in particular obligations under the Convention relating to basic legal safeguards for a fair trial, and ensure that the remaining cases before the Gacaca are conducted in conformity with these standards. Ensure that decisions taken can be appealed before the ordinary courts.

124. The Gacaca Courts came to a successful end on 18 June 2012 after trying over 1.9 million cases. The Organic Law No. 04/2012/OL of 15/06/2012 terminating Gacaca Courts and determining mechanisms for solving issues which were under their jurisdiction ensures that any cases with pending concerns from the decisions of Gacaca Courts can be resolved through access to the formal court system. All the remaining cases before the Gacaca were success fully conducted and are subject to review before the ordinary courts depending on the circumstances provided by law.

125. In addition, the Government commissioned an evaluation report on the Gacaca Courts. The evaluation was conducted by the Center for Conflict Management at the University of Rwanda. It provided an analysis of the impact of the Gacaca Courts on dealing with a heavy genocide case load and the impact on unity and reconciliation in Rwanda. A copy of the report can be found on the Ministry of Justice website. The report also identified challenges experienced during the Gacaca process. Several other reports have also been done on the Gacaca process including a study by the National Unity and Reconciliation Commission on the impact of Gacaca on the reconciliation process in Rwanda. This study can be found on the Commission's website.

Recommendation of the Committee:

Reinforce measures to eliminate domestic violence, in particular violence against women and girls, including by adopting a comprehensive strategy. Facilitate the lodging of complaints by women against perpetrators, and ensure prompt, impartial and effective investigations of all allegations of sexual violence as well as prosecute suspects and punish perpetrators. Continue to provide women victims with assistance, including shelters, medical aid and rehabilitation measures. Furthermore, explicitly prohibit corporal punishment of children in all settings. Provide the Committee with information on the investigations of cases of domestic violence, in particular violence against women and girls, including rape and other crimes, including sexual violence, and on the outcome of trials, including information on the penalties to perpetrators, and redress and compensation offered to the victims.

126. The Government of Rwanda has committed to a zero tolerance policy towards domestic and other types of gender-based violence. Evidence of the government's commitment to eradicate GBV was the adoption of a comprehensive Gender-Based Violence (GBV) Policy in 2011. This Policy strengthens both prevention and accountability mechanisms to eradicate GBV as well as providing for the treatment of victims.

127. The Penal Code of 2012 provides sentencing guidelines in GBV cases, including marital rape, which if the victim dies as a result of the crime, may carry a life imprisonment term. The Prime Minister's order No. 001/03 of 11/01/2012 determining modalities in which government institutions prevent and respond to GBV was also enacted with clear guidelines to prevent and respond to GBV including domestic violence. The Order provides that gender-based violence cases must be expedited and given priority. According to NPPA statistics of 2015, among the GBV cases received, they concerned mainly defilement which were handled up to 82.6% and rape cases which were handled up 84.9%.

128. The National Police and Military have established anti-GBV desks and monitoring units that oversee GBV and child protection cases. They also have anti- GBV Directorates that ensure an environment free of GBV at the institutional level and they guide the development of strategies/policies in response to GBV. Police have established a helpline and on-line services for citizens to report child abuse and GBV. A specialized unit within the National Public Prosecution Authority has been established to prosecute GBV-related crimes and a separate department established to care for and monitor the protection of victims and witnesses.

129. Periodic awareness activities are held to create understanding about GBV in communities. GBV committees have been established from the central level down to the village "Umudugudu" level, with the purpose of ensuring prevention and reporting of GBV cases. Various community initiatives to combat sexual/domestic violence are now operational, including among others; community policing programs, "inzego z'impuruza" (whistle blowers). Umugoroba w'ababyeyi (parents' evening forum) is a forum in which all parents of a given village meet to discuss all social and health issues. Other initiatives have

been taken including radio and TV shows, the creation of "gender clubs" in all schools (primary, secondary, and higher learning institutions), public institutions and private sector institution initiatives. Additionally, door to door campaigns have been held throughout the country focusing on awareness of GBV and sexual violence against children.

130. An outstanding model of response to GBV is the Isange One Stop Centres (IOSC) initiated and piloted by Rwanda National Police (RNP) in July 2009 which provides a holistic response to GBV under one roof. This international best practice strives to minimize the risk of re-victimization/re-traumatization to victims and minimize the risk of evidence spoliation and delayed justice. The centers provide free, 24-hour medical, psychosocial counselling and medico-legal services and emergency safe houses for victims. Toll-free telephone lines that facilitate quick emergency reporting, information access and rapid response to GBV cases support the established centers. There are currently 23 such IOSC in various district hospitals in the country. Since the 2009 initial pilot, the Government has started to scale the model across the country. By the end of 2016, it is planned that there will be at least one functioning IOSC in each of the 30 districts in the country.

131. A steering committee at the Ministry of Justice has developed plans to establish a National Forensic Laboratory which will have the capacity to test DNA. Currently, there is no forensic laboratory capable of testing DNA and samples are sent abroad which can delay adjudication of cases, impact case backlogs and pre-trial detention. The Forensic Laboratory will serve the entire country including all IOSCs.

132. As previously highlighted, each district in the country has an Access to Justice Bureau, or Maisons d'Accès à la Justice (MAJ) which is coordinated by the Ministry of Justice. One of the three staff in the MAJ is specifically in charge of the fight against GBV and domestic violence. These MAJ officials may intervene in GBV cases and assist victims through the court process. Their services are provided free of charge to the community.

133. Extensive efforts are also underway to enhance the capacity of law enforcement and medical/psychosocial professionals working for the Gender Desks, the One-Stop Centers and in the MAJ. There are also a number of organizations, both from the public and civil society sectors which provide legal assistance to GBV and domestic violence victims.

134. A Ministerial Order executed in 2014, waives all court fees for claims related to GBV and violation of children's rights. This order will facilitate victim's claims through the court process. In addition, some Rwandan courts have started to hear GBV trials in the community where the crime was allegedly committed. This procedure, while ensuring safeguards for the dignity and sensitivity of the victims and aiming at reducing the number of GBV cases, has allowed people in communities to see perpetrators held accountable.

135. With regard to corporal punishment, the Penal Code of 2012 punishes "any person who inflicts severe suffering on a child, harassing or imposing severe or degrading punishments on him/her" (art. 218) and includes a number of provisions relating to assault and battery (arts. 148-152).

136. The National Integrated Child Rights Policy, adopted by the Ministry of Gender and Family Promotion and intended as a guide for legislation, states that "physical abuse, including torture and cruelty against children and corporal punishment of children is prohibited in all settings" Article 25 of the Law No. 54 Relating to the Rights and Protection of the Child 2011 (in force 2012) states that parents should reprimand a child with humanity and dignity and must not "traumatize" the child; it also provides for the Minister to make an order specifying "non-violent disciplinary punishments, care and treatments for the child".

Recommendations of the Committee:

Remove the obstacles affecting the work of non-governmental organizations and provide effective protection against intimidation, threats, arrest and detention of human rights defenders and journalists, including by prosecuting and punishing those responsible for such acts. For this purpose, effectively implement its decision to grant a five-year registration permit to international non-governmental organizations, and to exempt local non-governmental organizations from registration.

137. Non-Governmental organizations in Rwanda have thrived over the last few years. Between 1962 and 2011 there were only 350 registered civil society organisations in Rwanda. Today there are over 1600 registered. 83 NGOs are currently in the process of registration and 50 Faith based organizations are also in the registration process.

138. Before 2011, an organisation seeking registration would have to approach several different agencies to get the necessary paper work. Since 2011 started the process of registration of all local civil society, political parties and faith based organisations are registered by the Rwanda Governance Board established by law No. 41/2011 of 30/09/2011. It serves as a one stop centre for all matters relating to the formal establishment and operation of national organisations. The mission of RGB is to promote the principles of good governance and decentralization; monitor the practices of good governance in political, public and private institutions; coordinate and support media sector development; register, empower and monitor civil society organizations; enhance civic participation; conduct research and studies related to governance; document home grown solutions and provide policy advocacy to Government for achieving good service delivery, sustainable development and prosperity.

139. With regard to remove obstacles affecting the work of non-governmental organizations and provide effective protection against intimidation and threats; laws governing NGOs enacted in 2012 are now being reviewed to create more conducive environment for them. RGB is also working to introduce an online registration service with intention to speed up and harmonize registration processes.

140. In that regard, Four (04) dialogues were conducted in 2015 with CSOs aiming to improve their performance and impact on citizens' lives. In addition, NGOs statutes are published free of charge on the RGB website beginning with the first quarter of 2016 in accordance with article 26 (2) of the law No. 04/2012 of 17/02/2012 governing the organizations and the functioning of national non-governmental organizations instead of related high publications costs in official gazette as it used to be.

141. With regard to international NGOs, 164 INGOs are currently registered. Article 8 of the law governing INGOs provides that the certificate of registration is provided within 90 days from the date of the receipt of the application for registration. With current practice, INGOs which follow the steps of registration (MoU with line Ministry and Consultation with district of operation) and fulfills all the requirements are issued a certificate in 7 days. Most of delays and failure to register are caused by failure to meet the requirements. There are also delays associated with the technical issues: e.g. submission of action plan on wrong domain; area of intervention etc. Whenever there is need of support, INGOs were provided help line and email to contact DGIE, and DGIE has been providing required assistance.

142. Regarding the Validity of the registration certificate, Article 11 of the law governing INGOs provides that a certificate may be issued for a period of up-to-Five years. Article 10 of the Ministerial Order provides that the length of the certificate is determined based on the INGOs strategic plan and its ability to finance activities for the whole period requested. In brief, every INGO is eligible to acquire a 5 years Certificate provided that it proves its ability to finance its projects all along (funds or a letter of commitment from donors). The

issuance of a registration certificate is purely a matter of enforcing the law which many INGOs have contributed towards its adoption.

143. In addition, the Rwanda Directorate General of Immigration and Emigration has established a strong collaboration with INGOs to ease their work including the setting of consultation avenues between the Rwanda Directorate General of Immigration and Emigration, INGOs and other stakeholder, such as quarterly meetings with all INGOs to address particular concerns of some INGOs. Specifically, Article 4 of the law No. 05/2012 of 17/02/2012 governing the organization and functioning of International non-governmental organizations provides for effective cooperation between the Government and INGOs.

144. Article 17 of the INGO law provides that INGOs have the right to formulate their views on policies and laws concerning their activity. In this regards, INGOs were consulted during the drafting of laws and legislations governing them. They have further participated in join validation of laws and regulations, currently in force. Under the law, INGOs have the right to advise the Government of Rwanda on national development policies, especially in the areas of intervention.

145. The DGIE has tangibly improved its services towards assisting INGOs. This includes the ease of registration process; where INGOs now register online. The online registration was established in collaboration with INGOs where they were represented in the system development and approval as part of joint steering committee. The system is user friendly and makes the process fast as all stakeholders, i.e. Ministries, Districts, DGIE and INGOs themselves have accounts. It is a self -registration process that allows INGOs to register without visiting any Government office.

Recommendation of the Committee:

Strengthen its efforts to improve prison conditions and ensure that they are in conformity with the Standard Minimum Rules for Treatment of Prisoners, by: (a) Reducing the high rate of overcrowding, in particular through the wider use of non-custodial measures as an alternative to imprisonment, in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules); (b) Releasing detainees who have completed most of their prison sentences and for whom reintegration into society is considered appropriate by the competent authorities; (c) Avoiding long periods of pretrial detention and ensuring that pretrial detainees receive a fair and speedy trial; (d) Ensuring that minors are separated from adults, and that pretrial detainees are separated from convicted detainees; (e) Ensuring that mothers detained with their babies are placed in more appropriate settings.

146. Various efforts have been made in recent years to improve prison conditions for the over 50,000 individuals held in Rwanda's prison system today. Articles 35, 36, 37, 38 and 39 of the law No. 34/2010 of 12/11/2010 on the establishment, functioning and organization of Rwanda Correctional Service all ensure that prison conditions are in conformity with the Standard Minimum Rules for Treatment of Prisoners. Article 35 provides that Prison quarters shall meet minimum physical standards with respect to hygiene, water, adequate ventilation, light and space in order to ensure the health and hygiene of incarcerated persons.

147. Although all persons in detention are housed in the same prison facilities, those in pre-trial detention live in different blocs and wear different uniforms and have no interaction whatsoever with those serving sentences. In addition, there is a health center with laboratory services at each prison and a medical doctor visits often. Each dispensary in prison has at least three qualified staff including; a nurse, a lab assistant and a technician. These dispensaries allow detained persons to get the same quality of health care as the rest

of the Rwandan people. A special diet is also provided for the sick as prescribed by doctors. Special treatment is also provided for pregnant women and for children in prison with their mothers.

148. Any incarcerated person has an inalienable right to a sufficient daily ration of food with a balanced nutritional value as well as the accessibility to adequate clean drinking water provided by the Government. Sports and Entertainment, Religious activities are also provided in prison.

149. New prisons such as Rubavu, Nyanza and Nyagatare were constructed as well as Mageragere which is still under construction. The latter will accommodate inmates from Kigali prison after its relocation. Some old ones have also been rehabilitated including Huye and Rwamagana. This further improves living conditions in prisons. In particular, with the support of Unicef and DIDE (Dignity in Detention), Nyagatare rehabilitation center for minors between 14 and 18 years was built and officially inaugurated in February 2013. Two additional womens' prisons were opened in Ngoma and Nyamagabe districts in 2014. In future, Rwanda Correctional Service plan to have one female prison per Province.

150. With regard to the number of people serving custodial sentences, the Institute of legal Practice and Development conducted a study on alternative to imprisonment in Rwanda which gives the priority to the use of non-custodial sentencing. One among the alternatives to imprisonment used to reduce the number of people serving custodial sentences is the use of community service (TIG) which was customarily used in genocide cases but has now been expanded to other offences by the 2012 penal code and the aim was to avoid the overcrowding in different prisons. In addition, release on parole and conditional release of prisoners are other methods often used to offer noncustodial sentences.

Recommendation of the Committee:

Take steps, as a matter of urgency, to avoid detaining minors in conflict with the law and, as an alternative to imprisonment, provide them with special care. Ensure that all minors are only deprived of their liberty as a last resort and for a short period of time. Further ensure that minors deprived of their liberty enjoy full legal safeguards, and if convicted, that they are detained separately from adults.

151. A minor aged below fourteen (14) years is not subject to incarceration according to article 198 of the CCP. A juvenile offender aged fourteen (14) years shall be subject to prosecution but cannot be detained in the same custody facilities as adult suspects. However, due to exceptional reasons, a minor aged between twelve (12) and fourteen (14) years for whom there are serious grounds for believing that he/she committed an offence, may, for the purposes of investigation, be held in judicial police custody for a period not exceeding seventy two (72) hours but solely when the offense committed is punishable with imprisonment of at least five (5) years.

152. NYAGATARE rehabilitation center is a special place of detention for children where children who would otherwise be incarcerated are taken to be rehabilitated. While there they continue to enjoy their fundamental human rights and are even able to continue with school. On completion of their sentences, they receive kits depending on the course pursued to enable them reintegrate and start work in the community.

153. Minors in conflict with the law are also taken to other rehabilitation centres such as Iwawa for rehabilitation. Iwawa is a rehabilitation and vocational development center, which was created by the Rwanda Ministry of Youth to address the growing problem of youth-related drug problems in the country, includes two stages,: the first six months focus

on rehabilitation and cultivating sober minds, while the second stage promotes skills development such as tailoring, building and carpentry.

154. At the end, minors are awarded the appropriate certificate, and graduate to start a new life. As evidence of the effectiveness of this approach, many of the rehabilitated youth have gone on to become useful members of society. Since its establishment, Iwawa has graduated over 4,500 students in various disciplines. These include; 294 in animal production and bee keeping, 208 in commercial farming, 1,068 in carpentry, 2,467 in masonry and 583 in tailoring.

Recommendation of the Committee:

Review its legislation and remove the condition based on "recognition of offence by the perpetrator" so as to ensure that victims of torture may seek and obtain prompt, fair and adequate compensation, including in cases where the civil liability of the State party is involved. Provide the Committee with statistical data on cases in which the State party has provided compensation to victims of torture or ill-treatment, as well as the amount of the compensation.

155. The state can provide compensation in case of liability proven by court. According to article 140 of the CCP, a person aggrieved by an offence may, from the filing of the case in the court to the closing of the proceedings, bring before a competent court an action for recovery of damages by giving notice of the action in the court registry or in the course of the hearing with an acknowledgment of receipt. The court shall notify parties involved in the case of the notice.

Recommendation of the Committee:

Take appropriate measures to guarantee, in practice, the independence of the National Commission for Human Rights and provide it with adequate financial and human resources to enable it to effectively fulfill its mandate, in full conformity with the Principles relating to the Status of National Institutions (the Paris Principles).

156. The Rwandan Human Rights Commission has had and maintained an A Status for several years in accordance with the Paris Principles. A key requirement to attain this status is independence and so far the Commission has always passed this test. In order to make this possible various important measures have been taken:

157. With regard to the Constitution and Law establishing the Commission, Article 42 and 139 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 as well as the Commission's establishing law 0f 2013 in Article 3 assert and guarantee the Commission's Independence.

158. This Independence exists in several ways including reporting. Article 13 of the Law No. 19/2013 of 25/3/2013 stipulates that the NCHR shall submit its activity report only to the Parliament and only send a copy to the President of the Republic, the Government and the Supreme Court which shows that the Commission is only accountable to Parliament in the conduct of the duties assigned to it.

159. The NCHR also has autonomy in the management of its budget including the portion from Government as well as the financial support from donors. Article 40, 3 of the law establishing the Commission stipulates that the NCHR shall have autonomy in managing its property as well.

160. According to article 18 of the Law No. 19/2013 of 25/3/2013 establishing the Commission, the selection and appointment process for Commissioners is initiated and conducted by an independent Selection Committee composed of 5 members from non-

governmental organizations working in the area of human rights; Public Service Commission; Civil Society; as well as other relevant experts with expertise and skills in human rights issues. In selecting candidates for members of the NCHR, the Selection Committee shall function independently and: 1) comply with the principles of transparency and independence; 2) widely announce vacancies for Commissioners. In order to avoid a conflict of interest, Commissioners are not allowed to perform any other remunerated work. Commissioners also have immunity as "Commissioners shall not be prosecuted before courts due to their views expressed or published on the basis of their responsibilities" (Article 24 of the law).

161. Article 38 of the law stipulates that the NCHR shall have autonomy in recruiting its staff. All of these provisions were put in place in order to ensure the inherent and functional autonomy and independence of the Human Rights Commission.

Conclusion

162. The Government of Rwanda is willing to consider all necessary measures to reinforce the fight against torture and abuse by adopting legal and political measures to implement the Convention's terms, taking into account the realities of Rwanda and the Rwandan people. This commitment is shown by several initiatives aimed at promoting human rights and the fight against acts of torture which have been taken by the government in policy and in practice. Respect for human dignity and the prohibition of any treatment that would undermine this dignity are formally recognized in the Rwandan legal system.

163. The commitment of the Government of Rwanda to take prohibition and punishment measures regarding torture are reflected in provisions of the Penal Code and other legal provisions cited in this report. This commitment was demonstrated again by the ratification of the Optional Protocol to the Convention against torture ratified by Rwanda on June 30, 2015. Consultations have begun to establish the National Preventive Mechanism (NPM) in accordance with article 17 of the OP-CAT. In order to ensure public awareness of the Convention against torture, Rwanda's initial report on the convention and its concluding observations have been translated in the national language to make it easy for nationals to read and understand the convention.

164. In practice, judicial, administrative and institutional officials in charge of the protection of human rights will ensure the implementation of legislation, not only to punish perpetrators but also to prevent torture and other cruel, degrading or inhuman treatment.